

## **REMARKS**

### **I. General**

Claims 1-40 are pending in the application. In the non-final Office Action mailed June 6, 2006, claims 1-35 were rejected. No claims are amended by this response, and new claims 37-40 are added. The issues in the current Office Action are:

- Claims 1-7, 9-14, 17-29, and 33-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by (US 6,448,497, hereinafter *McCracken*).
- Claims 18, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *McCracken*.
- Claims 15, 16, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *McCracken* in view of (UK Patent Application 2,222,913, hereinafter *Kitagawa*).

Applicant thanks the Examiner for removing the rejections of the previous Office Actions and respectfully traverses all outstanding rejections and requests reconsideration in view of the arguments presented below.

### **II. Restriction Requirement**

Although not mentioned in the current Office Action, the restriction of claim 36 is final and has not been withdrawn. Applicant reiterates that the restriction is improper because the requirement does not demonstrate that the combination of Group II does not require the particulars of Group I for patentability, as required by M.P.E.P. §806.05(c). Further, Applicant respectfully asserts that the arguments from the previous responses are still valid and correct. Thus, withdrawal of the restriction requirement is respectfully requested.

### **III. New Claims**

Claims 37-40 are added by this response. Support for the amendment can be found at least at FIGURE 1 and paragraph [0020] of the specification. Thus, no new matter is added.

Claims 37-40 are allowable at least because of their dependence from respective base claims and also because the art of record does not teach teeth that are pegs.

#### **IV. Claim Rejections**

##### **A. Rejections under 35 U.S.C. §102**

Claims 1-7, 9-14, 17-29, and 33-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by *McCracken*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *McCracken* does not teach every element of the claims.

Independent claim 1 recites, in part, “a plurality of teeth spaced apart from one another and disposed in one of said first channel and said second channel.” Such feature is not taught by *McCracken* for at least two reasons. First, *McCracken* does not teach teeth. The Office Action cites the spacer portions 46 as teeth. However, the view in figure 2 shows that the spacer portions 46 each run the entire length of base member 24 and, in fact, each define channels 32, 34, 36, 38, 40, 42, and 44 along the length of base member 24. Thus, it is believed that spacer portions 46 do not teach the claimed teeth. Second, without admitting that spacer portions 46 are teeth, it should be noted that spacer portions 46 are disposed between the channels 32, 34, 36, 38, 40, 42, and 44 rather than in a channel as claimed (While the Office Action cites cable trays 22 as channels, such characterization is incorrect, as *McCracken* explicitly states that items 32, 34, 36, 38, 40, 42, and 44 are the channels, while items 22 are cable trays that each include a number of those channels.) Therefore, *McCracken* does not teach the above-recited feature of claim 1.

Independent claim 19 recites, in part, “disposing a plurality of teeth in one of said first channel and said second channel, wherein said teeth are spaced apart from one another to create a plurality of cable paths.” As noted above, the Office Action cites spacer portions 46 of *McCracken* to teach the claimed teeth. However, However, the view in figure 2 shows that the spacer portions 46 each run the entire length of base member 24 and, in fact, each define channels 32, 34, 36, 38, 40, 42, and 44 along the length of base member 24. Thus, it is believed that spacer portions 46 do not teach the claimed teeth. Further, without admitting that spacer portions 46 are teeth, it should be noted that spacer portions 46 are disposed between the channels 32, 34, 36, 38, 40, 42, and 44 rather than in a channel as claimed. Therefore, *McCracken* does not teach the above-recited feature of claim 19.

Independent claim 24 recites, in part, “a second channel having a base, a plurality of sides, and a plurality of teeth spaced apart from one another operating to create spaces in-between said plurality of cables.” As noted above, the Office Action cites spacer portions 46 of *McCracken* to teach the claimed teeth. However, However, the view in figure 2 shows that the spacer portions 46 each run the entire length of base member 24 and, in fact, each define channels 32, 34, 36, 38, 40, 42, and 44 along the length of base member 24. Thus, it is believed that spacer portions 46 do not teach the claimed teeth. Further, without admitting that spacer portions 46 are teeth, it should be noted that spacer portions 46 are disposed between the channels 32, 34, 36, 38, 40, 42, and 44, such that no channel can be described as “having...a plurality of teeth” as claimed. Therefore, *McCracken* does not teach the above-recited feature of claim 24.

Independent claim 33 recites, in part, “means for increasing a plurality of bend radii radius of said plurality of cables while transitioning from said first direction routing means to said second direction routing means, wherein said bend radii increasing means comprises a plurality of teeth defining said bend radii.” As noted above, the Office Action cites spacer portions 46 of *McCracken* to teach the claimed teeth. However, However, the view in figure 2 shows that the spacer portions 46 each run the entire length of base member 24 and, in fact, each define channels 32, 34, 36, 38, 40, 42, and 44 along the length of base member 24. Thus, it is believed that spacer portions 46 do not teach the claimed teeth. Therefore, *McCracken* does not teach each feature of claim 33.

Dependent claims 2-7, 9-14, 17, 18, 20-23, 25-29, 34, and 35 each depend either directly or indirectly from respective independent claims 1, 19, 24, and 33 and, thus, inherit all of the limitations of their respective independent claims. Thus, *McCracken* does not teach all claim limitations of claims 2-7, 9-14, 17, 18, 20-23, 25-29, 34, and 35. It is respectfully submitted that dependent claims 2-7, 9-14, 17, 18, 20-23, 25-29, 34, and 35 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 1-7, 9-14, 17-29, and 33-35.

**B. Rejections under 35 U.S.C. §103**

**1. Rejections over *McCracken***

Claims 18, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *McCracken*. Applicant traverses the rejection.

As shown above, *McCracken* does not teach all limitations of independent claims 1 and 24. Dependent claims 18, 30, and 31 each depend either directly or indirectly from respective independent claims 1 and 24 and, thus, inherit all of the limitations of their respective independent claims. Thus, *McCracken* does not teach or suggest all claim limitations of claims 18, 30, and 31. It is respectfully submitted that dependent claims 18, 30, and 31 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 18, 30, and 31.

**2. Rejections over *McCracken* in view of *Kitagawa***

Claims 15, 16, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *McCracken* in view of *Kitagawa*. Applicant traverses the rejection.

As shown above, *McCracken* does not teach all limitations of independent claims 1 and 24. The Office Action does not rely on *Kitagawa* to cure the deficiency, nor does *Kitagawa* cure the deficiency. Dependent claims 15, 16, and 32 each depend either directly or indirectly from respective independent claims 1 and 24 and, thus, inherit all of the limitations of their respective independent claims. Thus, the combination of *McCracken* and

*Kitagawa* does not teach or suggest all claim limitations of claims 15, 16, and 32. It is respectfully submitted that dependent claims 15, 16, and 32 are allowable at least because of their dependence from their respective base claims for the reasons discussed above.

Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 15, 16, and 32.

**V. Conclusion**

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 200312987-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV629203156US in an envelope addressed to: MS Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: August 7, 2006

Typed Name: Donna Forbit

Signature: Donna Forbit

Respectfully submitted,

By: 

Michael A. Papalas  
Attorney/Agent for Applicant(s)  
Reg. No. 40,381  
Date: August 7, 2006  
Telephone No. (214) 855-8186